

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CARL HUTTO

Plaintiff(s),

V.

TERRRANCE ROSE, ET AL.

Defendant(s).

2:06-CV-328-WKW

RESPONSE TO COURT ORDER (DOC 24)

Comes now the Attorney General for the State of Alabama, the Honorable Troy King, by and through Assistant Attorney General Jeffery H. Long and in response to this Honorable Court's September 13, 2006, Order (Doc 24) as follows:

1. Upon learning of the purported service of Defendant Terrance McWhorter, the undersigned obtained a copy of the green card filed with the Court (Doc 18) which reflected that a Tracey McWhorter signed the green card which was addressed to Terrance McWhorter, 459 Doster R 2, Prattville, Alabama 36067. Attached as “Exhibit 1” is a copy of the signed green card.
2. Inasmuch as the undersigned did not know this to be the address of Terrance McWhorter, the undersigned called the telephone number associated with this address according to whitepages.com (334-361-4797) with no success.
3. The undersigned wrote Tracey McWhorter, who is unknown to the undersigned, on June 22, 2006, in an attempt to determine if she was in any way related to Terrance McWhorter such that her signature constituted proof of service of process of the

summons and complaint. Attached as “Exhibit 2” is a copy of the letter sent to Tracey McWhorter.

4. The undersigned received no response from Tracey McWhorter.

5. In the *Answer and Special Report* filed by the undersigned on behalf of Defendants Rudolph and McCarty, the Court was informed that the undersigned is not authorized to represent former State employees until the former employee is served and seeks this Office’s representation. A simple telephone call from the defendant to ADOC’s general counsel or to the undersigned would suffice in this instance for seeking representation.

6. Terrance McWhorter retired from the Department of Corrections in December, 2005.

7. The undersigned is not authorized to represent Terrance McWhorter without knowing if Tracey McWhorter is living at Terrance McWhorter’s “dwelling, house or usual place of abode” and whether Tracey McWhorter is “some person of suitable age and discretion then residing therein.”

8. As far as the undersigned knows, the address served may or may not be the address of Terrance McWhorter and Tracey McWhorter may or may not be related to Terrance McWhorter.

WHEREFORE, based on the above stated facts, the undersigned is not authorized at this time to represent Terrance McWhorter.

Respectfully submitted,

TROY KING
Attorney General

/s/ Jeffery H. Long
Jeffery H. Long
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7555
(334) 242-2433

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 15th day of September, 2006, electronically filed the foregoing with the Clerk of Court using the CM/ECF system and served a copy of the same upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Carl Hutto, AIS 148575
Draper Correctional Facility
PO Box 1107
Elmore, AL 36025

Kim Thomas, Esq.
General Counsel
Department of Corrections

/s/ Jeffery H. Long
Jeffery H. Long
Assistant Attorney General